

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION

IN RE:

BARNSTORM RESOURCES, LLC,
DEBTOR.

§
§
§
§

CASE NO. 22-60246

**SECOND MOTION OF DEBTOR TO EXTEND TIME FOR FILING
CERTAIN LISTS, SCHEDULES, AND STATEMENTS PURSUANT TO
BANKRUPTCY RULE 1007**

TO THE HONORABLE JOSHUA P. SEARCY, U.S. BANKRUPTCY JUDGE:

Barnstorm Resources, LLC, debtor and debtor in possession (“Barnstorm” or the “Debtor”) files this *Second Motion of Debtor to Extend Time for Filing Certain Lists, Schedules, and Statements Pursuant to Bankruptcy Rule 1007* and in support thereof would show to the Court the following.

INTRODUCTION

1. This motion seeks authorization for the Debtor to file schedules, equity security holders list, and the statement of financial affairs by July 13, 2022.
2. The meeting of creditors is has been re-scheduled to July 20, 2022.

JURISDICTION AND VENUE

3. The Court has jurisdiction over this action pursuant to, and without limitation §§°105, and 1101 et seq. of the United States Bankruptcy Code, 11 U.S.C. § 101 et seq. (the “Code”).
4. Venue action is proper in this Court pursuant to 28 U.S.C. § 1409.
5. The Court may try this action to a conclusion and enter final orders under *Stern v. Marshall*, 131 S. Ct. 2594 (U.S. 2011).

FACTUAL BACKGROUND

The identity and background of the Debtors and Debtors in Possession.

6. Barnstorm, which is based on Longview, Texas, is the owner and operator of various producing mineral properties situated in Johnson County, Texas.

The Commencement of the Bankruptcy Cases.

7. On June 7, 2022 (the “Petition Date”), Barnstorm commenced the above-captioned Chapter 11 case by filing a voluntary petition.

8. Barnstorm commenced this case in order to stop the foreclosure of the subject mineral properties by the first lien holder and following the exhaustion of attempts to delay foreclosure in order to potentially resolve the first lien indebtedness.

Factual background in support of the relief requested, and basis of relief.

9. The meeting of creditors has been re-set for July 20, 2022 at 10:00 a.m.

10. Debtor seeks an extension of time to file its schedules and other initial pleadings to July 13, 2022.

11. Bankruptcy Rules 1007(a)(5) and (c) authorizes the Court to grant an extension of the date by which the lists and the schedules and statements of the Debtor must be filed pursuant to Bankruptcy Rule 1007, “on motion for cause shown.”

12. Cause exists for an extension due to the following circumstances.

- a. The Debtor retained the undersigned on June 6-7, 2022 to file this case in order to stay a foreclosure sale of the mineral properties that are described above.
- b. Since the Petition Date, the Debtor also has been focused on gathering data for, providing diligence to, and/or negotiating with one or more potential debtor-in-possession lenders which would likely take out the first lien indebtedness that precipitated this case.

- c. The Debtor seeks this further extension of time in light of the July 1-4, 2022 long holiday weekend, and the continued need to work with potential DIP lenders (which also has been impacted by the long holiday weekend) while working on the data for the schedules.
- d. The extension also is necessary due to the unavailability of the undersigned during June 27-30, 2022.
- e. The undersigned conferred with Mr. Vardeman on June 29, 2022 regarding the re-scheduling of the creditors meeting to July 20, 2022 and the related adjustment of the schedules due date to July 13, 2022.

13. If the extension is granted, the schedules and related items will be filed well in advance of the Code §341 meeting of creditors.

14. Courts routinely have granted similar relief in other cases. Accordingly, the Debtor's request for an extension of time to file the schedules and related items is appropriate and warranted under the circumstances.

15. Notice of this Motion has been provided to the Office of the United States Trustee and all creditors identified to date.

RELIEF REQUESTED

16. Accordingly, pursuant to Rule 1007, the Debtor respectfully requests an extension through and until July 13, 2022 of the time to permitted to file its schedules, list of equity security holders, and statement of financial affairs, and any other items required by Rule 1007.

CONCLUSION AND PRAYER

WHEREFORE, Barnstorm Resources, LLC, the debtor and debtor-in-possession, respectfully requests that the Court enter an order (i) extending through and until July 13, 2022 the time permitted to file its schedules, list of equity security holders, and statement of financial affairs, and any other items required by Rule 1007; and (ii) granting such other and further relief to which the Debtor may be entitled at law or in equity.

{continued on following sheet}

Dated: July 1, 2022

Respectfully submitted:

WEYKER, KAPLAN, PULASKI & ZUBER, P.C.

By: /s/ Jeff Carruth

JEFF CARRUTH (TX SBN: 24001846)

3030 Matlock Rd., Suite 201

Arlington, Texas 76105

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Fax: (866) 666-5322

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PROPOSED ATTORNEYS FOR
BARNSTORM RESOURCES, LLC
DEBTOR AND DEBTOR IN POSSESSION

CERTIFICATE OF CONFERENCE

The undersigned hereby conferred with Mr. Vardeman at the U.S. Trustee's office on June 29, 2022 regarding re-scheduling the meeting of creditors to July 20, 2022 (which date has been re-noticed) and a new date for completion of the schedules to July 13, 2022. Mr. Vardeman does not oppose the relief sought herein.

/s/ Jeff Carruth

JEFF CARRUTH

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was served on July 1, 2022 by electronic notice to all ECF users who have appeared in this case to date, as set forth below and by regular mail to the parties appearing on the attached matrix, *provided however parties receiving ECF notice did not also receive regular mail notice.*

/s/ Jeff Carruth

JEFF CARRUTH

ECF SERVICE LIST

22-60246 Notice will be electronically mailed to:

Jeff Carruth on behalf of Debtor Barnstorm Resources LLC

jcarruth@wkpz.com, jcarruth@aol.com; atty_carruth@trustesolutions.com; carruthjr87698@notify.bestcase.com

Charles E. Lauffer, Jr. on behalf of Creditor Ralph H. Falls

raeannr@rllawfirm.net

Jeff P. Prostok on behalf of Creditor Two Sisters, LLC

jprostok@forsheyprostok.com,

lbreedlove@forsheyprostok.com; calendar@forsheyprostok.com; Calendar_0573@ecf.courtdrive.com; jprostok@ecf.courtdrive.com

Laurie A. Spindler on behalf of Creditor Gregg County

laurie.spindler@lgbs.com, Dora.Casiano-Perez@lgbs.com; Julie.Wilson@lgbs.com; dallas.bankruptcy@lgbs.com

US Trustee

USTPRegion06.TY.ECF@USDOJ.GOV

REGULAR MAIL LIST

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| Label Matrix for local noticing 0540-6 Case 22-60246 Eastern District of Texas Tyler Tue Jun 21 08:31:17 CDT 2022 Bridgeport Fishing Tools 218 Lake St Bridgeport, TX 76426-6034 | 10 Services Company LLC P.O. Box 1185 Bridgeport, TX 76426-1185 | Barnstorm Resources LLC 515 N. Fredonia Longview, TX 75601-5308 |
| Gregg County Linebarger, Goggan, Blair & Sampson, LLP c/o Sherrel K. Knighton 2777 N. Stemmons Freeway Suite 1000 Dallas, TX 75207-2328 | Jeff Carruth Weycer, Kaplan, Pulaski & Zuber, P.C. 3030 Matlock Rd., Suite 201 Arlington, TX 76015-2936 | Elite Hydrostatic Testing LLC Attn. Beth Nobile 871 Feed Store Rd Bowie, TX 76230 |
| Kevin Russell 515 N Fredonia St Longview, TX 75601-5308 | Internal Revenue Service Special Procedures Staff - Insolvency PO Box 7346 Philadelphia, PA 19101-7346 | J-W Operating Attn. Janet Peeler 15505 Wright Brothers Dr Addison, TX 75001-4274 |
| Jeff P. Prostok Forshey Prostok LLP 777 Main Street Suite 1550 Fort Worth, TX 76102-5384 | Charles E. Lauffer Jr. Ritcheson, Lauffer & Vincent, P.C. Two American Center 821 ESE Loop 323, Suite 530 Tyler, TX 75701-9779 | New Tex Trucking LLC Attn. Jason Holley PO Box 64327 Lubbock, TX 79464-4327 |
| (p)TEXAS COMPTROLLER OF PUBLIC ACCOUNTS REVENUE ACCOUNTING DIV - BANKRUPTCY SECTION PO BOX 13528 AUSTIN TX 78711-3528 | Russco Oil & Gas Attn. Raymond Russell 515 N Fredonia St Longview, TX 75601-5308 | Laurie A. Spindler Linebarger, Goggan, Blair & Sampson 2777 N. Stemmons Frwy Ste 1000 Dallas, TX 75207-2328 |
| US Trustee Office of the U.S. Trustee 110 N. College Ave. Suite 300 Tyler, TX 75702-7231 | Two Sisters LLC c/o J. Patrick Murphy 505 Pecan St Ste 201 Fort Worth, TX 76102-4061 | U.S. Attorney General Department of Justice Main Justice Building 10th & Constitution Ave., NW Washington, DC 20530-0001 |

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Texas Comptroller
Bankr Section
PO Box 13528
Austin, TX 78711-3528

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u) Ralph H. Falls

(u) Two Sisters, LLC

| End of Label Matrix | |
|---------------------|----|
| Mailable recipients | 18 |
| Bypassed recipients | 2 |
| Total | 20 |

PROPOSED ORDER

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION

IN RE: §
BARNSTORM RESOURCES, LLC, §
DEBTOR. §
§
§
§
CASE NO. 22-60246

**ORDER GRANTING SECOND MOTION OF DEBTOR TO EXTEND
TIME FOR FILING CERTAIN LISTS, SCHEDULES, AND
STATEMENTS PURSUANT TO BANKRUPTCY RULE 1007 (RE:
DOCKET NO. 17)**

On this day came on for consideration the *Second Motion of Debtor to Extend Time for Filing Certain Lists, Schedules, and Statements Pursuant to Bankruptcy Rule 1007* (Docket No. 17) (the “Motion”) filed herein on July 1, 2022 by Barnstorm Resources, LLC, debtor and debtor in possession (“Barnstorm” or the “Debtor”). The Court finds and concludes that upon review of the record of this case that sufficient notice was provided in accordance with the Federal Rules of Bankruptcy Procedures and/or the Local Bankruptcy Rules and with respect to the Motion that cause exists to grant the relief requested therein.

IT IS THEREFORE ORDERED THAT the deadline under Fed. R. Bankr. P. 1007 for the Debtor to file the schedules, statement of financial affairs, and other remaining lists due under Rule 1007 is extended to **July 13, 2022**.

Dated: _____

THE HONORABLE JOSHUA P. SEARCY
UNITED STATES BANKRUPTCY JUDGE